

## **REMARKS**

In the Office Action, Claims 8-23 were examined and stand rejected. In response to the Office Action, no claims are amended, no claims are cancelled and no claims are added. Applicant respectfully requests reconsideration of pending Claims 8-23 in view of the following remarks.

### **I. Double Patenting Rejection**

The Examiner rejects Applicants' invention under the provisional obviousness-type double patenting rejection as not patentably distinct from the claimed inventions of co-pending U.S. Patent Application No. 10/104,412, although the conflicting claims are not identical. Applicants hold in abeyance this rejection until such time as the claims on which the rejection is premised are granted.

## **CONCLUSION**

In view of the foregoing, it is submitted that Claims 8-23 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: October 13, 2004

By: \_\_\_\_\_

Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

### **CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 13, 2004

\_\_\_\_\_  
Marilyn Bass

October 13, 2004